Case 1:07-cv-03752-LTS-KNF

Filed 03/27/2008

Page 1 of 2

図 00 17 00 7

NEW YORK

**SHANGHAI** 

SAN FRANCISCO

MAR 2 6 2008 CHAMBERS OF NATHANIEL FOX WANAGHSTRATE JUDGE

LONDON

LOS ANGELES NEWPORT BEACH

## MEMO ENDORSED

March 26, 2008

## VIA FACSIMILE (212) 805-6712

The Honorable Kevin N. Fox United States District Court 40 Centre Street, Room 540 New York, NY 10007

O'MELVENY & MYERS LLP

Document 46

1999 Avenue of the Stars, 7th Floor Los Angeles, California 90067-6035

> TELEPHONE (310) 553-6700 FACSIMILE (310) 246-6779

> > www.omm.a

SILICON VALLEY TOKYO WASHINGTON, D.C. USDC SDNY DOCUMENT ELECTRONICALLY FILED OUR PILE NUMBER <u>,577,</u>588-137

WRITER'S E-MAIL ADDRESS

(310) 246-6747

arader@omm.com

Sonopress GmbH v. Metro-Goldwyn-Mayer Home Entertainment LLC-Re: -1:07<u>-cv-03752-LTS-KNF</u>

Dear Magistrate Judge Fox:

We represent Defendant Metro-Goldwyn-Mayer Home Entertainment LLC ("MGM") in the above-captioned matter. We write on behalf of ourselves and counsel for Sonopress GmbH ("Sonopress"), who has approved this letter, to update the Court regarding the progress of the case and request a brief adjournment of the telephonic status conference currently scheduled for March 31, 2008 at 10:15 a.m.

Since we last appeared before Your Honor, the parties have engaged in negotiations, with business representatives of MGM traveling to Sonopress's headquarters in Gütersloh, Germany, and Sonopress representatives traveling to MGM's headquarters in Los Angeles, California. The parties have made substantial progress and have exchanged term sheets for a new business relationship that would resolve the litigation. Because of the Easter Holiday, the principals of the parties have been unavailable to directly discuss some of the issues this week, although they have exchanged e-mail communications and arranged for further discussions early next week.

In light of those circumstances, the parties request that the Court adjourn the telephonic status conference to Friday, April 4. In addition to the fact that this will make it possible to give Your Honor a clearer picture of the settlement posture of this case, lead counsel for Sonopress is engaged in an arbitration in another matter on March 31.

In addition, the parties believe that moving forward with the several depositions scheduled for April would be detrimental to reaching a final settlement. Accordingly, the parties have agreed to a temporary hold on the litigation and request that the Court enter an order extending all deadlines (including, without limitation, case management deadlines, deadlines to respond to outstanding discovery requests, deadlines for witnesses who have been deposed to

Case 1:07-cv-03752-LTS-KNF

Document 46

Filed 03/27/2008

Page 2 of 2

O'MELVENY & MYERS LLP The Hon. Kevin N. Fox, March 26, 2008 - Page 2

review and sign their depositions) for a period of thirty (30) days. In the event that the parties do not settle the case over the next month, the parties will report back to the Court with a proposed revised schedule, and request that Your Honor set new case management deadlines.

We appreciate Your Honor's time in addressing these matters.

Very truly yours,

of O'MELVENY & MYERS LLP

೦೦: Claudia E. Ray, Esq. Alan Kanzer, Esq. Karl Geercken, Esq. Amber Wessels, Esq.

3/27/08

The telephonic status conference, previously scheduled for March 31, 2008, will be held on April 4, 2008, at 10:15 a.m. Atthat time, if necessary, the Court will address the parties' application to modify the Schedule fixed for their pretrial activities.

LEVIN NATHANIEL FOX, U.S.M. I